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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,022	03/15/2004	David O'Hara	12326/003	1021

27879 7590 07/17/2006

INDIANAPOLIS OFFICE 27879  
BRINKS HOFER GILSON & LIONE  
ONE INDIANA SQUARE, SUITE 1600  
INDIANAPOLIS, IN 46204-2033

EXAMINER
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SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/801,022	<b>Applicant(s)</b> O'HARA, DAVID	
	<b>Examiner</b> Tony G. Soohoo	<b>Art Unit</b> 1723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 8-16-2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-16-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7, 9-16, 19, 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hilkemeier 2883166.

3. Claims 1-4, 7, 9-16, 19, 21-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Albin et al 3915439.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hilkemeier 2883166.

The Hilkemeier reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of the twist of the body region or baffle being between 20 and 90; or between 40 and 50. As clearly seen in the figures, the body 6,7 of the baffle is twisted. The angle of twist provides an effective variable to the amount of mechanical advantage in consideration of rotational inertia upon rotating the

drum to urge material in the direction produced by the baffle. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Thus, it is deemed that it is deemed that it would have been obvious to one of ordinary skill in the art to modify an the twist of the baffle so as to produce an effective and optimum material transport to the ranges recited in the claim(s).

6. Claims 5-6 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albin et al 3915439.

The Albin et al 3915439 discloses all of the recited subject matter as defined within the scope of the claims with the exception of the twist of the body region or baffle being between 20 and 90; or between 40 and 50. As clearly seen in the figures, the body 6,7 of the baffle is twisted. The angle of twist provides an effective variable to the amount of mechanical advantage in consideration of rotational inertia upon rotating the drum to urge material in the direction produced by the baffle. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. Thus, it is deemed that it is deemed that it would have been obvious to one of ordinary skill in the art to modify an the twist of the baffle so as to produce an effective and optimum material transport to the ranges recited in the claim(s).

7. Claims 1, 8, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohle 6547882 in view of Albin et al 3915439.

The Bohle reference teaches a perforate drum 7 and a spiral helix conveyor 11 so as to produce a material within the drum.

The Bohle reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of the drum having a central mouth with a baffle disposed so as to scoop and remove material from the drum upon a counter rotation of the drum to dispense the drum via the helical spiral within the drum.

The Albin et al 3915439 discloses that a drum having a conveyor blade 34, 34 may also have an mouth 18, 21 whereby an additional baffle scoop 50, 50 provides a manner to scoop material up out of the drum when it is rotated in a counter direction to provide a discharge of material from the mixer.

In view of the teaching of Albin to the advantageous use of discharge blades in a central opening of a rotating drum for a counter rotation material discharge operation, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the device of Bohle with baffles in a central feed/discharge opening in the drum so that the material processed in the Bohle drum is more easily discharged and removed from inside the drum.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the following references show the use of baffle members to provide a discharge of material from the opening of the drum as it is rotated counter to

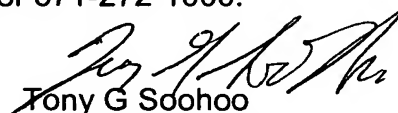
Art Unit: 1723

the mixing direction: Schnieder 1756390, Willard 2859949, Willard et al Re.23320, Ball 1781965, and 2006728, and 2282694, Smith 2763474 and 2805053, Jaeger Re.19085, and 1801162, Wilms 1888100, Rybeck 2029126.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM,Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tony G Soohoo  
Primary Examiner  
Art Unit 1723